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9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**
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12 KRISTEN R. MERRY,
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14 vs. Plaintiffs,
15 ESTATE INFORMATION
16 SERVICES, LLC AND ANWAR
17 EVANS,
Defendants.

CASE NO. 3:12-cv-02586-H
(BLM)

**ORDER DENYING
ATTORNEYS' FEES AND
DISMISSING CASE**

[Doc. No. 23]

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20 On September 18, 2013, Plaintiff Kristen R. Merry filed a Motion for Order
21 Enforcing Settlement Agreement. (Doc. No. 23.) Under the parties' settlement
22 agreement, Defendants Estate Information Services, LLC and Anwar Evans
23 (collectively, "Defendants") were required to mail the settlement funds to Plaintiff's
24 counsel by August 28, 2013. (Doc. No. 23-1 at 3.) On November 25, 2013, Ms. Merry
25 filed a Declaration stating that she received the settlement funds on November 8, 2013.
26 (Doc. No. 31.)


27 In Ms. Merry's motion to enforce the settlement agreement, she argues that under
28 the parties' settlement agreement she is entitled to reasonable attorneys' fees for filing

1 the motion. (Doc. No 23-1 at 6.) She asks for a total of \$4,198.50. (Id.) On
2 November 27, 2013, Defendants filed a declaration in opposition to Ms. Merry's
3 attorneys' fee request. (Doc. No. 32.) Defendants state that in mid-October, they
4 offered the Plaintiff a check for the full settlement amount, but Ms. Merry rejected this
5 check, preferring to receive separate checks for Ms. Merry and her counsel. (Id. at 3.)
6 The Court has considered the parties' positions and declines to award attorneys' fees
7 under the circumstances.

8 Because both parties state that they have settled this lawsuit in full, the Court
9 dismisses the action. Any party objecting to the case's dismissal may file an objection
10 within thirty days of the date of this order. The pretrial conference currently scheduled
11 for January 27, 2014 at 10:30 am is vacated.

12 **IT IS SO ORDERED.**

13 DATED: January 22, 2014

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15 MARILYN L. HUFF, District Judge
16 UNITED STATES DISTRICT COURT
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